

**Notice of Allowability**

Application No.

10/692,554

Examiner

NATALIA LEVKOVICH

Applicant(s)

KAWASHIMA ET AL.

Art Unit

1797

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the interviews conducted on 09/8-15/2009.
2. ☒ The allowed claim(s) is/are 26, 28-30, 32-40, 43 and 46.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some\* c) ☐ None of the:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
- \* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |  |  |
|--|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)   | 5. <input type="checkbox"/> Notice of Informal Patent Application  |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date <u>09/15/2009</u> . |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),<br>Paper No./Mail Date _____    | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment  |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance                           |
|  | 9. <input type="checkbox"/> Other _____.   |

### EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Gregory Zayia on 09/15/2009. The application has been amended as follows:

#### IN THE CLAIMS:

**Cancel** Claims 27, 31 and 41.

Claim 26, line 11, after 'the sample preparation unit', **delete** — and —

Claim 26, line 12, after 'in communication with the detection unit', **insert** — and the sample preparation unit —

Claim 26, line 14, after 'detection unit', **insert** — and a washing solution supplier for supplying a washing solution having a pH that is higher than a pH of the acidic solution;  
—

Claim 26, line 17, after 'and washes', **insert**— inside of —

Claim 26, line 18, after 'from the solution container', **delete** — . —

Claim 26, line 18, after 'from the solution container', **insert** —when the analysis result is equal to or greater than a predetermined value; and wherein the washing solution supplier washes outside of the pipette by supplying the washing solution.  
—

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Claim 28, line 1, after 'of claim', **delete** — 27 —

Claim 28, line 1, after 'of claim', **insert** — 28 —

Claim 35, line 10, after 'prepared by the sample preparation unit', **delete** — and —

Claim 35, line 11, after 'in communication with the detection unit', **insert** — and the sample preparation unit —

Claim 35, line 13, after 'detection unit', **insert** — and a washing solution supplier for supplying a washing solution having a pH that is higher than a pH of the acidic solution; —

Claim 35, line 14, after 'and washes', **insert**— inside of —

Claim 35, line 15, after 'from the solution container', **delete** — . —

Claim 35, line 15, after 'from the solution container', **insert** —when the analysis result is equal to or greater than a predetermined value; and wherein the washing solution supplier washes outside of the pipette by supplying the washing solution.

Claim 40, line 11, after 'prepared by the sample preparation unit', **delete** — and —

Claim 40, line 12, after 'in communication with the detection unit', **insert** — and the sample preparation unit —

Claim 40, line 14, after 'detection unit', **insert** — and a washing solution supplier for supplying a washing solution having a pH that is higher than a pH of the acidic solution; —

Claim 40, line 16, after 'and washes', **insert**— inside of —

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Claim 40, line 17, after 'from the solution container', **delete** — . —

Claim 40, line 17, after 'from the solution container', **insert** —when the analysis result is equal to or greater than a predetermined value; and wherein the washing solution supplier washes outside of the pipette by supplying the washing solution.

Claim 46, line 12, after 'prepared by the sample preparation unit', **delete** — and —

Claim 46, line 13, after 'in communication with the detection unit', **insert** — and the sample preparation unit —

Claim 46, line 15, after 'detection unit', **insert** — and a washing solution supplier for supplying a washing solution having a pH that is higher than a pH of the acidic solution; —

Claim 46, line 18, after 'and washes', **insert**— inside of —

Claim 46, line 19, after 'from the solution container', **delete** — . —

Claim 46, line 19, after 'from the solution container', **insert** —when the analysis result is equal to or greater than a predetermined value; and wherein the washing solution supplier washes outside of the pipette by supplying the washing solution.

2. The following is an examiner's statement of reasons for allowance:

Claims 26, 28-30, 32-40, 43 and 46 are allowable over the prior art, since the prior art fails to teach or fairly suggest an analyzer having a sample preparation unit comprising a pipette; a detection unit configured for generating a detection signal from the sample prepared by the sample preparation unit; a controller configured for communication with the detection unit and the sample preparation unit to control the process of sample

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preparation based on an analyses result communicated to the controller by the detection signal from the detection unit; the pipette of the sample preparation unit being washed inside with an acidic solution when the analysis result is equal to or greater than a predetermined value, and being washed outside with a washing solution having a pH that is higher than a pH of the acidic solution.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Natalia Levkovich whose telephone number is 571-272-2462. The examiner can normally be reached on Mon-Fri, 2 p.m.-10 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jill Warden can be reached on 571-272-1267. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Jill Warden/

Supervisory Patent Examiner, Art Unit 1797